

## Trianovich, Amanda

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**From:** Zoning Board of Appeals  
**Subject:** FW: Variance Appl. 3 20-00305 233 Hillspoint Rd.  
**Attachments:** 233HillspointTablenew.pdf

RECEIVED

AUG 12 2020

WESTPORT Z.B.A.

**From:** Perillie, Michelle <[mperillie@westportct.gov](mailto:mperillie@westportct.gov)>  
**Sent:** Wednesday, August 12, 2020 3:03 PM  
**To:** Zoning Board of Appeals <[ZBA@westportct.gov](mailto:ZBA@westportct.gov)>; don bergmann <[dongbergmann@sbcglobal.net](mailto:dongbergmann@sbcglobal.net)>  
**Subject:** Re: Variance Appl. 3 20-00305 233 Hillspoint Rd.

Don,  
The attached Staff Report prepared by Cindy Tyminski does in fact show the changes and comparisons with previously approved plans. The report may not include all the details you are requesting but it does clearly show what was approved versus what is proposed. Staff will discuss with the Board whether they would like the applicant to provide further drawings.

Thanks,  
Michelle

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**From:** don bergmann <[dongbergmann@sbcglobal.net](mailto:dongbergmann@sbcglobal.net)>  
**Sent:** Wednesday, August 12, 2020 10:45 AM  
**To:** Zoning Board of Appeals <[ZBA@westportct.gov](mailto:ZBA@westportct.gov)>  
**Cc:** Perillie, Michelle <[mperillie@westportct.gov](mailto:mperillie@westportct.gov)>  
**Subject:** Variance Appl. 3 20-00305 233 Hillspoint Rd.

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To the Zoning Board of Appeals and P&Z Staff

In trying to determine all of the changes proposed by the Applicant from the structure and site plans approved by the ZBA and the P&Z Commission, there appear to be no drawings comparable to the "north", "south" and "east" drawings that show how the structure would have looked from those three directions had the house been built as approved.. All that appears in the file for the latest version are architectural drawings as to certain floors. In reading the Applicant's comments as to what is now being proposed, it appears that the application seeks to make further changes from those that are evident in the one photograph of the uncompleted, existing structure.

I believe it crucial that an artist type drawings of the now proposed house be prepared and placed in the file immediately. The drawings should show the north, south, east and west sides of the now desired structure. Only then can all understand what the now proposed final structure will look like. Those drawings should also note the siding, the roof and other aesthetic materials that would be used if the ZBA were to approve the Application for a variance now pending.

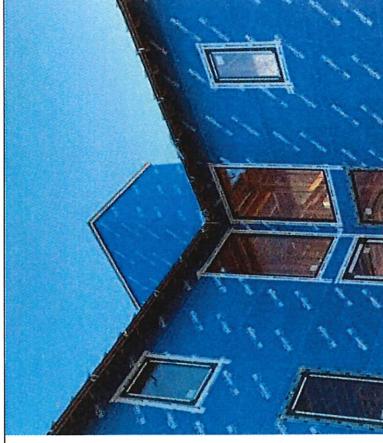
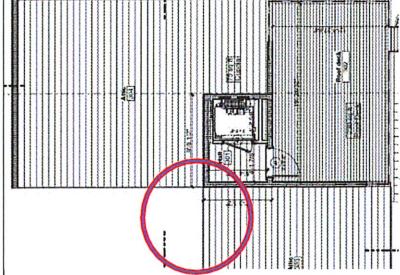
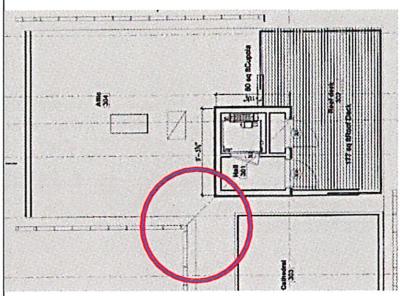
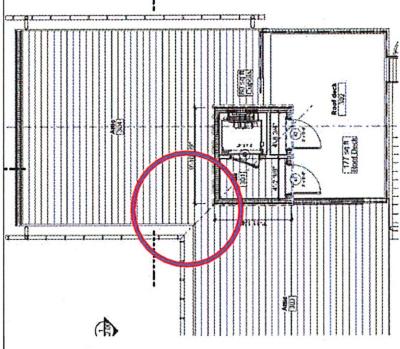
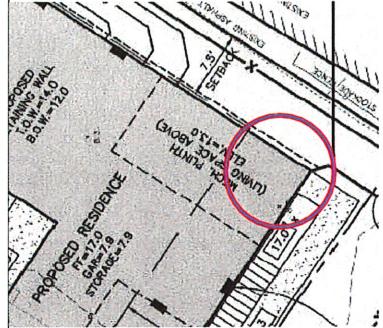
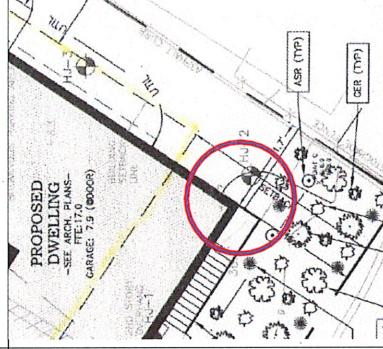
Also, it was my sense from the July 14th Public Hearing that the Applicant may be making further changes, i.e. changes to reflect comments of the ZBA to the present, "new" design. If that occurs, drawings as requested

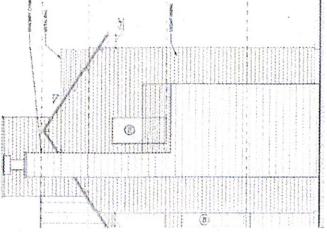
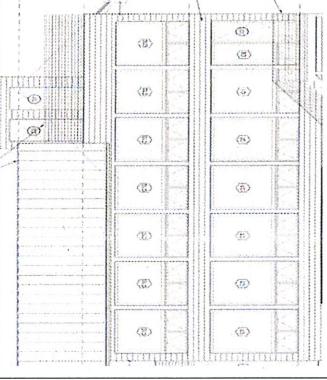
above should then be provided as part of that submission. Without all such clear visual drawings, no one other than an architect can understand what the final proposed structure will look like.

Finally, all of these changes from the original approvals, namely those already made, those proposed to be made and those that might still be proposed, suggest that the Applicant should combine all of its efforts, drawings and submissions in one inclusive application for a variance for what it would like the ZBA to act upon. The present approach is, to me, wrong, likely to generate confusion, likely to omit items or cause important items not to be evident. It would be much cleaner and probably more in compliance with the Law, Regulations and the Administrative obligations of the ZBA if the Applicant began again with one, new variance application. Without that, the public and probably the ZBA will not be absolutely certain of what is occurring. In addition, absent that approach, one new application, I will speculate that the ZBA will simply vote to deny the pending application on September 4th since all is too confusing. While some may like such an outcome, it actually may be unfair to the Applicant. I ask the ZBA, P&Z Staff and Town Counsel to consider my thinking.

This matter deserves a complete "do over". Thank you.

Don Bergmann 32 Sherwood Dr. Westport CT 203 226 8712

	Site Photo 12/20/2019	Approved ZBA #7629 Plans	Plans submitted by applicant for Revoked Zoning Permit # 42345	Planned ZBA #7592 Plans
Location of Elevator Shaft		 		 
The elevator shaft has been constructed in the same location as the denied ZBA #7592 plans. This is not in the location that was approved by ZBA #7627.	Plans submitted for the Revoked Zoning Permit #42345 also do not show the elevator shaft in this location.	Since the elevator shaft has been pulled forward, it is likely that the roof top deck is larger than approved, as seen in the denied ZBA #7592 plan.	A side entry has been constructed that is inconsistent with ZBA #7627 approval.	The spiral staircase that was approved per ZBA #7627 is no longer present in the field or on the plans submitted for the Revoked Zoning Permit.
New Side Entry			Plans submitted for the Revoked Zoning Permit #42345 do not show this landing either.	

	Site Photo 12/20/2019	Approved ZBA #7629 Plans	Plans submitted by applicant for Revoked Zoning Permit # 42345	Plans submitted by applicant for Revoked Zoning Permit # 42345	Denied ZBA #7592 Plans
Chimney					
					
Windows					

	Site Photo 12/20/2019	Approved ZBA #7629 Plans	Plans submitted by applicant for Revoked Zoning Permit # 42345	Denied ZBA #7592 Plans
Front Entry				
Front wall and sidewalk				

\*This Photo taken 3/29/2020.

A condition of ZBA #7629 approval was that the brick walkway be retained. The walkway is currently asphalt and the width is not equivalent to what was on the ZBA approved plans.

The wall was not present on site on 12/19/20 and 12/20/2019 as documented by staff photos.

The wall is not present in either the approved ZBA #7629 plan or the Revoked Zoning Permit.

	Site Photo 12/20/2019	Approved ZBA #7629 Plans	Plans submitted by applicant for Revoked Zoning Permit # 42345	Denied ZBA #7592 Plans
Building Materials	<p>The applicant has made significant changes to the materials from the approved ZBA #7629 plans. The approved ZBA plans have a cedar wood roof and painted cedar shingle siding. There is a stone veneer foundation. The windows are divided lites and there are shutters for the windows.</p> <p>The plan the applicant submitted for the Revoked Zoning Permit has horizontal cedar siding, a masonry chimney and metal roofing. The photograph reveals that the location of the windows and detailing are not consistent with either the Revoked Zoning Permit or the ZBA approved plans.</p> <p><b>Mechanical Units</b></p> <p>The approved plan ZBA #7629 and the Revoked Zoning permit shows mechanicals going under the house.</p> <p>The applicant states that they now intend to put the mechanicals in the side yard.</p>  <p>*This photo taken 6/17/2020</p> 